

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

RUBEN PEREZ CRUZ, et al.,

Defendant(s).

Case No. 2:10-CR-575 JCM (VCF)

ORDER

Presently before the court is *pro se* defendant Ruben Perez-Cruz's motion for appointment of counsel for purposes of filing a motion for a reduction of sentence pursuant to sentencing guidelines amendment 794; *United States v. Quintero-Leyva*, 823 F.3d 519 (9th Cir. 2016); and 18 U.S.C. § 3582(c)(2). (ECF No. 215); *see also* 18 U.S.C. § 3006A.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the federal public defender is appointed as counsel to represent the defendant unless the federal public defender declines the appointment, on the basis of a conflict, no later than fourteen (14) days from the date of this order.

IT IS FURTHER ORDERED that the clerk of court shall distribute a copy of the document filed by the defendant to the federal public defender, the United States attorney, and the United States probation office forthwith.


IT IS FURTHER ORDERED that the probation office shall provide counsel for the defendant and the government with the defendant's presentence report; shall generate the defendant's current inmate profile (also known as a "Sentry Report"); and shall prepare a supplemental presentence report addressing whether, in the probation office's assessment, the defendant is statutorily eligible for a sentence reduction pursuant to sentencing guidelines amendment 794, and further advising the court of the applicable and recommended guideline

1 range. The probation office will serve the presentence report and supplemental presentence report
2 on the federal public defender, the United States attorney, and the court, and shall be prepared to
3 meet and confer with the federal public defender and the United States attorney to discuss the
4 sentry report, within thirty (30) days of the date of this order.

5 IT IS FURTHER ORDERED that the United States attorney or the federal public defender
6 may, within 30 days after receiving those reports from the probation office, request that the
7 probation office provide the defendant's progress report and disciplinary records from the Bureau
8 of Prisons. If the United States attorney or the federal public defender makes such a request, the
9 progress report and disciplinary records shall be served on the federal public defender, the United
10 States attorney, and the court within thirty (30) days after receiving the request unless for good
11 cause the time is extended.

12 IT IS FURTHER ORDERED that the federal public defender shall, within 120 days of this
13 order, file any appropriate motion or stipulation. If the federal public defender files a motion for
14 a sentence reduction pursuant to sentencing guidelines amendment 794, the United States attorney
15 shall serve any response to such motion within thirty (30) days of the filing of that motion unless
16 for good cause the time is extended.

17 DATED October 18, 2016.

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19 UNITED STATES DISTRICT JUDGE
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